

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JARRETT CASTELONIA,
Plaintiff

v.

C.O. HOLLENBUSH, et al.,
Defendants

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No. 1:19-cv-27

(Judge Kane)

ORDER

AND NOW, on this 30th date of January 2020, in accordance with the Memorandum issued concurrently with this Order, **IT IS ORDERED THAT:**

1. Defendant Hollenbush's motion to dismiss (Doc. No. 55) is **GRANTED**;
2. Plaintiff is granted thirty (30) days from the date of this Order to file an amended complaint regarding his Fourth and Fourteenth Amendment claims against Defendant Hollenbush, as well as his Eighth Amendment claims against Defendant Kulenguskey. If Plaintiff elects to file an amended complaint, Plaintiff is advised to adhere to the standards set forth in the Federal Rules of Civil Procedure and the directives set forth by this Court in its accompanying Memorandum. Specifically, the amended complaint must be complete in all respects. It must be a new pleading which stands by itself without reference to the original complaint or any other documents already filed. The amended complaint should set forth Plaintiff's claims in short, concise and plain statements as required by Rule 8 of the Federal Rules of Civil Procedure. Each paragraph should be numbered. The amended complaint should specify which actions are alleged as to which defendants and sufficiently allege personal involvement of the defendant in the acts which Plaintiff claims violated his rights. Mere conclusory allegations will not set forth cognizable claims. Importantly, should Plaintiff elect to file an amended complaint, he must re-plead every cause of action in the amended complaint because the amended complaint will supersede the original complaint. See Knight v. Wapinsky, No. 12-cv-2023, 2013 WL 786339, at *3 (M.D. Pa. Mar. 1, 2013) (stating that an amended complaint supersedes the original complaint). Because an amended complaint supersedes the original pleading, all causes of action alleged in the original complaint which are not alleged in an amended complaint are waived. See id. (citations omitted);
3. The Clerk of Court is directed to provide Plaintiff a civil rights complaint form to use for filing his amended complaint;
4. Plaintiff's request for the appointment of counsel (Doc. No. 59) is **DENIED WITHOUT PREJUDICE**; and

5. If Plaintiff files an amended complaint, it will supersede the original complaint as set forth above. Plaintiff is advised that should he fail to file an amended complaint within thirty (30) days of the date of this Order, the Court will proceed on Plaintiff's original complaint as to his claims against Defendants Shuman, Ashton, Davis, Kovach, and Greek.

s/ Yvette Kane

Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania